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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,137	09/29/2008	Masahiro Yamamoto	A4-121 US	7288

7590 10/06/2009
STEPHEN Z WEISS
MOLEX INCORPORATED
22222 WELLINGTON COURT
LISLE, IL 60532

EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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10/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,137	Applicant(s) YAMAMOTO ET AL.	
	Examiner Brigitte R. Hammond	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claim 1 is indefinite because there is an inconsistency within the claim. The claim initially indicates that the subcombination, an electrical connector is being claimed. However, later, the claim contains positive limitations directed toward the press fitting jig, suggesting that applicant intends to claim the combination of the electrical connector and the jig. Applicant is required to clarify what subject matter the claim is intended to be drawn to and the language of the claim must be amended to be consistent with this intent. The jig is not positively recited. Is it part of the invention? Correction is required.

Claim Rejections - 35 USC § 103

Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huss Jr. et al. 2003/0166349 A1 (Huss), in view of Clark et al. 5,453,016. As best understood, Huss discloses an electrical connector for mounting on a circuit board, comprising: a dielectric housing; a plurality of first terminals(t) mounted on the housing and having circuit board press-fit portions (i) projecting therefrom; a plurality of second

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terminals (t) mounted on the housing and having circuit board press-fit portions projecting therefrom; the first and second terminals being arranged in respective spaced apart rows, said first terminals having a first pitch and said second terminals having a second pitch; a press-fitting block (51,52) engageable with the housing for press-fitting the first terminals into appropriate holes in the circuit board; and said press-fit portions of the second terminals being exposed exteriorly of the housing and the press-fitting block for locking engagement by an appropriate independent press-fitting jig for press-fitting the second terminals into appropriate holes in the circuit board and a press-fitting jig (75). Huss does not disclose the press-fitting block (51,52) being locked (12-2,12-3) to the first terminals. However, Clark et al. disclose a press-fitting block (12) engageable with the housing and locked (12-2,12-3) to the first terminals. Therefore, it would have been obvious to one of ordinary skill to modify the connector of Huss by providing the press-fitting block with locks to secure the terminals as taught by Clark et al.

Regarding claim 2, said first and second terminals are arranged in parallel at different pitches.

Regarding claim 3, Huss and Clark are silent regarding the intended use of the terminals being used as ground, signal or power terminals. However, since the terminals are metal, it would have been obvious to one of ordinary skill to use them for ground, signal or power terminals.

Also, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed

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apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987). Apparatus claims must be structurally distinguishable from the prior art. While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference).

Regarding claim 4, said press-fitting block has an abutment surface arranged (top surface) for engagement by the press-fitting jig (75), whereby the jig is effective to press fit the first terminals into the circuit board, through the press-fitting block, as the jig is press-fitting the second terminals into the board.

Regarding claim 5, a press-fitting jig (75) having an abutment surface for engaging the abutment surface of the press-fitting block.

Regarding claim 6, said first and second terminals are L- shaped with mounting legs mounted in the housing and generally right-angled legs including said press-fit portions.

Regarding claim 7, said first and second terminals have lock portions that are able to be engaged by the press-fitting block and the press-fitting jig.

Regarding claim 8, said lock portions are adjacent to the press-fit portions of the respective terminals.

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Regarding claim 9, said first and second terminals are arranged in generally parallel rows.

Regarding claim 10, Clark shows the terminals being offset from each other.

Conclusion

Response to Arguments

Applicant's arguments filed June 1, 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the pitches being different) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brigitte R. Hammond/
Primary Examiner
Art Unit 2833

September 30, 2009